

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, JULY 1, 2003

Chair Mathewson called the meeting to order at 7:00 p.m. at the Twin Pines Senior and Community Center.

1. ROLL CALL:

Present, Commissioners: Mathewson, Parsons, Frautschi, Long, Dickenson,

Absent, Commissioners: Torre, Gibson

Present, Staff Community Development Director Ewing (CDD), Principal Planner de Melo (PP), Recording Secretary Flores (RS) Attorney Marc Zafferano

2. AGENDA AMENDMENTS: None

3. COMMUNITY FORUM (Public Comments): None

4. CONSENT CALENDAR :

Minutes of 6/4/03

MOTION: by C Parsons second by C Dickenson to approve the minutes for 6/4/03.

Motion Passed 5/0

Absent: Torre, Gibson

5. PUBLIC HEARINGS:

5A. PUBLIC HEARING – 10 Seagate Place

To consider a Conditional Use Permit to add 399 square feet to an existing 2,740 square foot two story single family residence in the PD District.

(Appl. 2003-0043)

APN: 040-383-030; Zoned: PD (Planned Development)

CEQA Status: Categorical Exemption per Section 15301, Class 1(e)(1)

George & Frances Allen (Applicant/Owner)

AP Swan summarized the Staff Report and was available for questions.

MOTION: by C Parsons second by C Dickenson to close the Public Hearing.

C Frautschi stated that he planned to vote for the project. C Frautschi asked for clarification on the use of a Planned Development.

PP de Melo replied that when Planned Development Districts are established, they are site specific development districts. When PD Districts are established, they tend to mirror the underlying zoning regulations for a type of development that is proposed. If you have a Single Family development, that is a planned development, you strive to have the planned development mirror those types of Single Family standards. For example, having a 15 foot front set back, 6 foot side yard set back, 15 foot rear yard, 28 foot height limit or maximum floor area of 3500 square feet.

What the PD zone allows is a waiver or some flexibility in certain types of development standards with the added trade off that some other types of project amenities like open space, or a pool or some other project benefit would be included that makes the development appropriate for the site.

In terms when P.D's are established, there are two phases: Conceptual Development Plan and a Detailed Development Plan.

The mechanism we have within the Zoning Ordinance to look at amendments to a PD is the Conditional Use Permit process. The Conditional Use Permit, through its four findings, allows the Commission to evaluate an amendment to a Detailed Development Plan of Planned Development. We are looking at changes to that ordinance as it is on the City Council's Priority Calendar, targeted as a Zone Text Amendment. We have direction from the Council to look at changing the Planned Development procedure and standards for Planned Developments. Whether that will result in substantially different findings when you look at these types of amendments, we don't know. You will be looking at this in the future.

In terms of this project, you are looking at a change to an existing Single Family Home, which includes a change to the floor area and setback of the home of which this project meets the detailed development plan standards approved as part of this planned development. Staff believes that it is appropriate to grant the CUP to amend the DDP because the proposal is a reasonable proposal for this site.

Chair Mathewson commented that it was a good project and was looking forward to receiving suggested changes to the rules.

C Parsons stated that it was a good project which does not increase the number of units, does not increase the floor area ratio.

MOTION: By C Parsons, second by C Dickenson, to adopt the Resolution approving a Conditional Use Permit at 10 Seagate Place, with conditions as stated.

Ayes: Parsons, Dickenson, Long, Frautschi, Mathewson

Noes: None

Absent: Gibson, Torre

Motion passed 5/0/2

Chair Mathewson announced that this item can be appealed within 10 days.

5B. PUBLIC HEARING – 905 South Road

To consider a Variance, Single Family Design Review, and Tree Removal Permit to construct a new 3,101 square foot two story residence in a zoning district that permits 3,144 square feet for this site.

(Appl. No. 2002-0061)

APN: 045-152-550; Zoned: R1-A (Single Family Residential)

CEQA Status: Categorical Exemption per Section 15303, Class 3a

Simmie Graves (Applicant/ Owner)

AP Swan stated two corrections for the record. The first being, the applicant revised the plans excluding the driveway bridge, a Variance is not required. Second, the proper zoning for this property is R1-B.

Applicant/Owner, Simmie Graves, 905 South Road stated that he was available for questions.

Mr. Graves responded that he holds an AS degree in Architectural Technology. He commented that the design for this project was inspired by homes and villas he discovered while traveling in Europe.

Mary Lou South, Owner of Belmont Vista Senior Community, spoke in opposition of the project.

Neighbor, Steve Gonzales, 925 South Road felt the design was not in keeping with the neighborhood.

Neighbor, Kim Gonzales, 925 South Road stated that she is concerned about the institutional look of the design, and felt that it did not fit with the neighborhood. She commented that her property was within the Downtown Plan and was not sure if the property in question, at 905 South Road was a part of the Down Town Plan as well.

Motion by C Frauschi second by C Dickenson to close the Public Hearing

Motion Passed.

Applicant, Simmie Graves stated he is willing to consider alternatives and work with the neighbors to mitigate some concerns. Mr. Graves shared renderings of the project with the Commission.

C Parsons stated several concerns about the project: He felt that the flat roof does not fit in the neighborhood, and that the house could be better placed on the site. C Parsons was concerned about the amount of grading required. He also felt that the 10 foot wide paved area in front of the house was excessive. He would like to see a better landscape plan as well as eliminate the large driveway and add an appropriate walk way. C Parsons stated that he was opposed to the project.

C Frautschi, commented that the structure is imposed on the site rather than blending into it. He felt it had an institutional look and did not reflect the roof lines of the businesses below. He felt that the home needed to be terraced to follow the natural contours of the hillside. He felt that the landscape plan did not call for enough trees.

C Dickenson, agreed with the comments from his fellow Commissioners.

C Long, agreed with the comments from his fellow commissioners as well. He hoped that the applicant would continue to work on revising the plans, incorporating the suggestions given by the neighbors and the Planning Commission. C. Long stated that he could not support the project.

Chair Mathewson stated that he agreed with his colleagues' comments, especially regarding the project "not" blending into the hillside. Chair Mathewson suggested that this item be continued to give the applicant the opportunity to work with staff to redesign.

MOTION: By C Parsons second by C Frautschi to continue this item at 905 South Road, to a date uncertain, so the applicant can take into consideration the comments made by the Planning Commission.

•Minimize the effects of grading on the site.

- Reduce the amount of pavement.
- Step the house down the hillside.
- Conform architecturally with the neighborhood, including the roof.
- Eliminate the need for so many retaining walls.
- Additional landscaping.

Ayes: Parsons, Frautschi, Dickenson, Long, Mathewson

Noes: None

Absent: Torre, Gibson

Motion passed 5/0/2

CDD Ewing stated that this item was deemed complete on May 12, 2003. Staff has 6 months from that date to bring it back to the Planning Commission.

5C. PUBLIC HEARING – 2884 Wakefield Drive

To consider a Tentative Parcel Map, Conditional Use Permit, Grading Plan, and Single Family Design Review to create two parcels from a 17,712 square foot site and construct a new two-story 2,660 square foot single family home on the new lot. The proposed minor subdivision would create a 10,110 square foot parcel containing an existing single family residence. The proposed new single family dwelling would be located on the smaller 7,602 square foot parcel.

(Appl. No. 00-1055)

APN: 045-441-540; Zoned: PD (Planned Development)

CEQA Status: Categorical Exemption per Section 15303, Class 3a

Marvin and Mitra Bergloff (Applicant/Owner)

VERBATIUM MINUTES:

2884 Wakefield Drive Belmont, Ca. 94002

PP de Melo: Chair Mathewson, members of the Commission, before I begin my presentation I want to point out a couple of house keeping items. I've left copies of two letters that were received after the staff report was distributed to you last Thursday, they are adjacent to your project information. A letter from Steve Rand, at 44 Elder Drive and a letter from Roshy Mozafar at 2888 Wakefield Drive which is directly adjacent property owner.

Again, what is before you tonight, is a project primarily seeking a Conditional Use Permit to amend a Planned Development or the Detailed Development Plan for the project at 2884 Wakefield Drive. This project was previously before the Commission in November of 2001 – a similar project, it involved a sub-division of land to create a new single family home. The proposed size of the lot was smaller, it was about 6,700 – 6,800 square feet, not meeting an additional development standard of floor area ratio for the DDP. The applicant, upon the decision of the Commission in November of 2001, appealed the decision to the City Council. He came back, worked with staff and made the decision to try and modify the proposal to create a

larger lot for the new lot to address this floor area ratio issue to be consistent with the maximum allowed for the DDP.

In addition, staff worked with the applicant to provide more updated grading information with cut and fill numbers, earth calculations, soils materials, all of that type of information so that we can include it for you as part of your project review tonight. The grading plan entitlement was not before you in November 2001, and it's before you tonight.

Again, this project is located in a Planned Development zone. Section 12.9 of the zoning code, it allows amendments to an approved Development Plan via establishment of the Conditional Use Permit process to review those amendments. The site was rezoned with a large portion of the Western Hills Area from R1E and R1A to the Planned Development in 1971. This site in conjunction with three other sites, was also split further in 1973 and created the 17,712 square foot lot. So, at the time of the establishment of the Planned Development, the Detailed Development Plan set all of the development standards for this Hallmark West – Unit 1 Planned Development. We've included those DDP standards as a part of your Planning Commission packet tonight. The applicant, again has revised the project to comply with the FAR limits established by the DDP and again, includes updated grading information.

The proposal does still need changes to the minimum lot size – minimum lot dimensions and size, and maximum height for walls and fences. The project proposal includes an increase in the total number of units and the density for the approved Hallmark West – Unit 1 Planned Development. The proposed new development for parcel two, parcel one would be the lot that would contain the existing single family home, this takes access from the driveway entrance from Wakefield Drive, that would be 20 feet wide and 24 feet 11 in length. A retaining wall with safety rails which varies from one to twelve feet in height, is proposed along the north west side of the property. For the single family home, it includes a 1,323 square foot main level and that consists of a living and dining room, kitchen, family room, half bath, stairway to the lower level and a two car garage that has a 20' by 20' interior dimension.

The lower level is 1337 square feet and it consists of a master suite, fireplace, three additional bedrooms, bathroom laundry area and a covered porch. Total size of the new dwelling is approximately 2,660 square feet. We've provided project data for you, going over all of the various criteria for the project that's noted on page 4 of your staff report, and we prepared another chart on page 5 describes the particular detailed development plan standards that this project seeks an amendment to. Again, probably the most central issue to the project is the total number of units. The Hallmark West – Unit 1 Planned Development allowed a maximum of seventy units for this subdivision. There are seventy units within the subdivision, this would be the seventy first unit. The lot size that is allowed as per a DDP would be the lot that is there now, 17,712 square feet, and the proposed amendment would create two lots. One, at 10,110 and the second lot for the new home at 7,602. The net density would increase slightly from 4.27 to 4.33.

Dwelling units per acre and the minimum lot dimensions would be modified based on the previous plan development approval, and the last amendment that is being sought is the maximum height of retaining walls. The DDP allows a maximum height of 6 feet for any walls and fences for the Planned Development and there is a wall that varies from one foot in height to 12 feet in height as it traverses from the driveway entrance as it picks up to the connection at the garage entrance.

In terms of the neighborhood outreach for the project, there was no neighborhood outreach, this project has been in the City's system prior to the adoption of the neighborhood outreach standards, so this requirement was not applicable for this project. The item was publicly noticed according to State Law, and all property owners within 300 feet were mailed a public hearing notice for the project.

Again, you have four letters before you tonight. Two that were part of your packet and two that I presented tonight of neighbors that voiced opposition to the project. In terms of the specific findings that staff reviewed in accessing that project, again, the central entitlement is the Conditional Use Permit, which seeks to amend the Detailed Development Plan and all of the findings need to be made for that amendment to be approved. In review of the project, staff could not make Conditional Use Permit findings B and D – and I'll read for you the language for finding D. Again, staff believes the project does not comply with the approved Detailed Development Plan for the Hallmark - Unit 1 subdivision which restricts the total number of lots to 70, whereas the proposed subdivision would increase that number to 71. The new lot would further increase the net density above the maximum allowable density approved as part of the original planned development

and a proposed retaining wall ranging from one to twelve feet in height is proposed where a maximum of six feet is allowed as per the DDP.

Again, we could not make findings B and D. Thus we determined that the proposed amendments for the DDP cannot meet all the findings. We are recommending denial of the Conditional Use Permit. If the Commission agrees with Staff's recommendation the remaining entitlements are subsequently denied, but what we've done is provided the analysis relative to these remaining entitlements for the Tentative Parcel Map, Grading Plan and the Single Family Design Review. In terms of the Tentative Parcel Map analysis we could not make 5 of the 8 findings. Findings A,B,C & D and the additional finding that is required if a Tentative Parcel Map is proposed within a Planned Development. Relative to the grading findings and the Single Family Design Review findings, we could make those findings relative to those aspects of the project. However, the central issue is the amendments to the DDP. Staff believes that if those amendments cannot be made, the other entitlements become moot – in terms of whether they can apply it in terms of an overall approval of the project.

Again, the issues that we've described, the amendments are outlined on page 5, those are the five areas where amendments are being sought to the Detailed Development Plan via the Conditional Use Permit. Again, although the project meets the Single Family Residential Design Standards and findings can be made to approve the grading plan for the project the proposed number of lots exceeds the maximum allowable for the Detailed Development Plan for the Planned Development. The new sub-division would further increase the net density above the maximum allowable density approved as part of the original Planned Development and Detailed Development Plan and the proposed new 7,600 square foot lot would also be substantially smaller than those lots in the immediate vicinity. Not to say that it would be the smallest lot, there are some lots that are smaller than 7,600 square feet in that Planned Development, but again, in terms of lots that are within 3 lots of this lot, it would be the smallest. You have lots that are 11,000, 13,000, 14,000 square feet. Now you would be creating a lot that would be 7,600 square feet which would be out of character with the lot pattern and make-up and profile of lots as they scroll along that section of Wakefield Drive.

There is also the issue of the steep slope of the site at the driveway entrance. Staff believes this presents a physical constraint that requires construction of this up to a 12 foot high retaining wall which does not meet the DDP standards. Overall, staff reviewed these issues, and based on these project limitations, we believe that the findings for the CUP cannot be made as well as the Tentative Parcel Map: Thus, overall, the additional entitlements become moot. So, again, we recommend denial of the project, based on the staff analysis. I would be happy to answer any questions of the Commission relative to the project.

Chair Mathewson: Any questions of staff? Ok, would the applicant like to make a presentation?

Marvin Bergloff: I've been working with Carlos, on trying to meet the requirements for the building development. And, one of the problems that came up was of course, that retaining wall which can be a bridge driveway versus a retaining wall. We had done a retaining wall originally, because, I don't know why we did it that way. The architect, we worked it out on the numbers, that's how we constructed it. But that can be changed to a bridge driveway, which would change the cubic yard cut and fill numbers quite a bit, as well, which would be well under the 500 number.

The other thing, net density 3.4 that was on the required DDP, I'm trying to get that calculation, that 3.4 because it currently is a 4.27. Which does not meet the current requirements of that DDP. I had asked whether or not those calculations included the streets and when you include the streets, we came up with a number of 3.1, something in that nature. With the additional house it would be 3.2 which would still be under the 3.4. That's if back in 1972 they used the streets as part of that calculation. But according to this, the first planned development, would not have met that 3.4 because it's currently at 4.27. So the retaining wall can be addressed, to change that, which would change, whether or not it would meet those requirements.

So the only requirement that I think that cannot get around, is the 70 versus 71. I am here before you, the Planning Commission to address that. There is nothing I can do to address that. I have gone to great lengths to make sure the house meets the other standards, of the houses that exist there. So as you drive up Elder, you've all been down Elder, or down Wakefield, all the homes, the fences come up to the street, and separate the homes adjacent, with the normal set backs. It's the back of the property, is where most of the property is, the 9,000 the 10,000 in fact, the one that I have currently, the 17,000 I would say that over half of it is of the existing house, sloped down the hill, so your homes sit up quite high. So, as you drive, if

this proposal was passed, and the building was put in, the, as you drive up Wakefield, the homes would all be the same in the sense, driveway after driveway. You would not see a difference between the lot size, because the lots are behind the homes. The elevation has been changed, or is long, what is the word I want to use, anyway, the house right above it is set that way as well, if you look at the parcel map, the home is also set that way, above the hill.

The other thing is, is that, in looking at all the other parcels on this property, the one that I currently own, is the largest lot. And it is the only one with a flat area next to the property, there is no other property in this Planned Development that has a flat area next to its home. The home currently has no access to that area, because of the slope of the property is such, that there is really no way to get access to that property unless you go out the front door and go around. So, that was one of the ideas, originally how I came up with the idea, of splitting the lot, and using it in that way.

I would also ask that if, that's all I have, but if there are any questions, that the Planning Commission has, that I would like the ability to come back and address those, if possible.

Chair Mathewson: Ok, are there any questions for the applicant?

I've got one, do you currently live in the property at 2884 Wakefield?

Marvin Bergloff: Yes, I do, off and on. I'm sorry, one other thing, I do have the soils engineer is here, so if there is any questions regarding the soils calculations or anything regarding the retaining wall or anything, he can, I would like him to address those, if possible.

Chair Mathewson: Ok. Thank you.

Chair Mathewson: This is a Public Hearing, we have had one slip so far from Roshy Mozafar.

Roshy Mozafar: Hi, my name is Roshy Mozafar, me and my husband live at the property up hill from 2884. We live at 2888 Wakefield, and we certainly oppose the project, not only for the reasons mentioned in the staff report, but the main reason is the subdividing of the lot. I would just hate to see, I mean we bought this house and live in this neighborhood because of its openness and all the green space and large lots. So, the last thing we would want to see is small lots. Especially with the financial gains that are at stake, I think, we could legally do that, we could subdivide our lot and build two homes, and, but that's not what we want to see happen in this neighborhood. We want to keep it the way it is, with the minimum lot sizes as determined back in 1971 or 1972. So, and we fully support the Staff Report and once again we oppose the project.

Chair Mathewson: Thank you. Any more slips Colleen?

Recording Secretary Flores: No.

Chair Mathewson: Motion to close the Public Hearing?

Commissioner Parsons: I'll move to close the Public Hearing.

Commissioner Dickenson: Second.

Chair Mathewson: All in favor?

5 AYES.

Chair Mathewson: OK, discussion, or, Mr. Bergloff, did you want to comment? Go for it.

Marvin Bergloff: She is a new owner, the owner before her, that was an elderly man, sold the house to her, he was ok with it, he had no problem with it. Unfortunately, I have not met her. But, her property is also

sloped, quite. If you look at my drawings there is a retaining wall that has to be set up along that side of the property, because there is quite a big drop from where she sits and where the property sits. I mean its way up there. So, that's it on that particular issue.

Chair Mathewson: OK. Thank you. Now discussion.

Commissioner Parsons: May I start, since I was here. Phil, were you here when this before us?

Chair Mathewson: Yes

Commissioner Parsons: Ok, this project. I live in the general area, but not within the minimum distance and almost to the maximum distance from there. But, when they moved up into the Hallmark area, we were told by the developers, and actually that part that we're talking about today, was actually under development at the time. The intent was to have front yards, in fact, I think in some of the CC and R's they require that we have front lawns. I'm not sure about this particular Planned Development, but the intent was that there would be no bridges to the garage. People could be out in their front yards and it was the overriding character of the neighborhood. When they did grading up there, they didn't do a lot of grading, they just did some grading. The lots that were off the edge, so to speak, of the roads down below, or where there was some unstable fill, or slopes, they didn't develop those lots. They intentionally made larger lots. This was having talked to the sales people, and talking to the residents that were first time buyers up there. The feel is open space, I think the staff report well laid out the issues, and I think this house with a bridge, be it a wood bridge or a filled in bridge with retaining walls, is totally out of character for the neighborhood. There are other lots that are that big, that theoretically could be sub-divided if we started doing retaining walls and bridges. I can't support this project. I find that the findings in the staff report are outstanding and correct.

Chair Mathewson: Thank you.

Rick?

Commissioner Frautschi: I don't have anything to add to what Kenn said.

Chair Mathewson: Bill?

I would like to thank Carlos and staff for a very thorough report and agree with Kenn, to keep it at 70 units. It was negotiated and people bought in there with that in mind, having open space and elbow room between the lots.

Chair Mathewson: David?

Commissioner Long: I have nothing to add.

Chair Mathewson: Ok, well, I want to thank staff also. I noted in the original agreement, March 30, 1972 it says quite clearly, the number of units shall not exceed 70. That's in the Detailed Development Plan. I see no reason to change that. So, I, too, concur with the staff report.

Chair Mathewson: Do we have a motion?

Commissioner Frautschi: Chair, I am prepared to do a motion.

Resolution of the Planning Commission of the City of Belmont to Deny a Conditional Use Permit, Tentative Parcel Map, Grading Plan and Single Family Design at 2884 Wakefield Drive, Application Number 00-1055.

Commissioner Dickenson: Second.

Recording Secretary Flores:

Commissioner Frautschi: Yes

Commissioner Dickenson: Yes

Commissioner Long: Yes

Commissioner Parsons: Yes

Chair Mathewson: Yes

Motion to Deny passed 5/0

Chair Mathewson: This may be appealed to the City Council within 10 days.

7. REPORTS, STUDIES, UPDATES, AND COMMENTS

PP de Melo distributed information to the Commission as they had requested a Study Session with South County Fire at the May 5, 2003 Planning Commission Meeting. South County Fire is targeting a date in September/October to address the Commission regarding any concerns.

Due to a lack of items, staff made a request to cancel the August 5, 2003 Planning Commission Meeting. Chair Mathewson noted to place the request on the next Planning Commission Meeting Agenda.

CDD Ewing commented that the Council cancelled their meeting of August 12, 2003.

C Frautschi urged the Commission to attend the July 8, 2003 Council Meeting as the Out Door Recreation task force will be presenting their final report to Council.

CDD Ewing stated that an e-mail message was distributed to the Commission earlier this week that the City has attempted to contact Safeway regarding repairs. He stated that a more aggressive approach will need to be taken through the City Attorney's office, if action is not taken within a reasonable amount of time.

CDD Ewing responded to C Long's question that the City does not take code enforcement action without a complaint unless there is a clear health and safety hazard identified and mentioned that the Code Enforcement grant was approved.

CDD Ewing verified that the property at 905 South Road is subject to the Downtown Specific Plan and that staff had spoken with the applicant regarding the re-design.

C Dickenson requested that the topic of Solar Domain be included in the Design Review discussion.

ADJOURNMENT: 8:50 PM.

The meeting adjourned at 8:50 p.m. to a regular meeting on July 15, 2003 at 7:00 p.m. at Twin Pines Senior and Community Center.

Craig A. Ewing, AICP

Planning Commission Secretary

*Audiotapes of Planning Commission Meetings are available for review
in the Community Development Department
Please call (650) 595-7416 to schedule an appointment.*